

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: FIELDTURF ARTIFICIAL TURF : Civil Action No. 17-2779 (MAS) (TJB)
MARKETING AND SALES PRACTICES :
LITIGATION : **ORDER**
:

This matter comes before the Court on several motions: First is a Motion for Class Certification, Appointment of Class Counsel, and Appointment of Class Representatives by the following Plaintiffs: (i) Borough of Carteret (“Carteret”), State Operated School District of the City of Newark (“Newark”), and County of Hudson (“Hudson”) (collectively, “NJ Plaintiffs”); (ii) City of Fremont (“Fremont”) and Santa Ynez Valley Union High School District (“Santa Ynez”) (collectively, “CA Plaintiffs”); (iii) Levittown Union Free School District (“Levittown” or “NY Plaintiff”); and Neshannock Township School District (“Neshannock” or “PA Plaintiff”) (collectively, “Plaintiffs”). (ECF No. 211.) Defendants FieldTurf USA Inc., FieldTurf, Inc., FieldTurf Tarkett SAS, and Tarkett Inc. (collectively, “FieldTurf”) opposed (ECF No. 228), and Plaintiffs replied (ECF No. 247.) FieldTurf filed a Motion for Leave to File a Sur-Reply. (ECF No. 250.) Plaintiffs opposed (ECF No. 252), and FieldTurf replied (ECF No. 261). Next is FieldTurf’s Motion to Exclude the testimony of Dr. Gustaaf Schoukens. (ECF No. 234.) Plaintiffs opposed (ECF No. 246), and FieldTurf replied (ECF No. 253). Finally, FieldTurf filed a Motion to Exclude the expert opinions of Dr. Stephen F. Hamilton. (ECF No. 235.) Plaintiffs opposed (ECF No. 245), and FieldTurf replied (ECF No. 254). The Court has carefully considered the parties’ submissions and decides the matter without oral argument under Local Civil Rule 78.1. For the reasons set forth in the accompanying Memorandum Opinion, and for other good cause shown,

IT IS on this 18th day of August, 2022 ORDERED that:

1. Plaintiffs' Motion to Certify the Class (ECF No. 211) is **DENIED**.
2. FieldTurf's Motion to Exclude the Expert testimony of Dr. Schoukens is **GRANTED** in part and **DENIED** in part.
 - a. Dr. Schoukens may opine on Duraspine's geometry and the use of certain polymers.
 - b. Dr. Schoukens may not opine on the time in which FieldTurf may degrade.
3. FieldTurf's Motion to Exclude the expert opinions of Dr. Hamilton is **GRANTED**.
4. FieldTurf's Motion for leave to file a sur-reply is **GRANTED**.
5. The Clerk shall file the Memorandum Opinion under temporary seal. By **September 29, 2022**, either party may file a motion to seal. If neither party files a Motion to Seal by this deadline, the seal on the Memorandum Opinion will be lifted.

/s/ Michael A. Shipp
MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE